

REMARKS

Claims 1-3, 8-11 and 16-17 are pending in the application. Applicants submit amendments to Claims 1-3, 6-10 and 16-17. The amendments are all supported by the original Specification and present no new matter to the claims.

The Examiner has rejected Claims 1, 10 and 17 under 35 USC 112, second paragraph, as being indefinite because the claim "offers choices". Applicants respectfully disagree with the Examiner's rejection and request reconsideration thereof. The claims recite that the message classification process comprises analysis of the message and dynamic classification of the message based on at least one of message content analysis, presentability, sender and confidentiality level. The claims recite four criteria which may be used individually or in any combination for message classification. The MPEP clearly states, at (706.03(d)) that "[i]f the scope of the claimed subject matter can be determined by one having ordinary skill in the art, a rejection...would not be appropriate". It is clear from the claim language that one or all of the criteria may be applied for message classification. Applicants further note that MPEP 2173.05(h) II clearly

states that alternative expressions are acceptable and that "[t]he following phrases were each held to be acceptable and not in violation of 35 USC 112, second paragraph in *In re Gaubert*, 524 F. 2d 1222, 187 USPQ 664 (CCPA 1975):...'at least one...'. Applicants respectfully request reconsideration and withdrawal of the rejection.

The Examiner has newly rejected Claims 1-3, 8-11 and 16-17 under 35 USC 103(a) as being unpatentable over Janik in view of Gibbs. For the reasons set forth below, Applicants believe that the claims, as amended, are patentable over the cited art.

The present invention provides an electronic device and device method for analyzing incoming messages, classifying the incoming messages based on the analysis, and routing the incoming messages to output units based on the message classifying. The classifying is done dynamically and is not based on any pre-determined message classification(s). The classifying is based on at least one of message content analysis, presentability, sender and confidentiality level. The language of the independent claims has been amended to expressly recite the message analysis and dynamic classification, as taught in the original Specification from page 4, line 11 through page 6, line 11. No new matter is added by the Amendments.

Claims 1-3, 8-12 and 16-17 have been rejected under 35 USC 103(a) as unpatentable over Janik in view of Gibbs. The primary reference, the Janik patent publication, teaches a system and method for providing content to a user based on user preferences. All content in the Janik system "is arranged for delivery...(with) graphical icons...content objects 20, that exist on content selection web page 22, to be dragged and dropped onto content editors on a PC 34" (see: page 5, paragraph [0074]). All content is, therefore, associated with pre-determined content classes and is tagged with content objects. A user inputs preferences regarding pre-determined content types to a web-based system and "only content objects 20 that relate to the selected content types are displayed to the user" (see: page 6, paragraph [0082]). When a user wants to download content, the user drags and drops the content objects onto content editors on the user's PC. Thereafter, the core module at the user's PC manages the downloading and delivery of the selected, pre-classified content. Core module features are detailed in Janik at paragraphs [0096]-[0114] and include retrieval, caching, clocking and serving; but do not include any analysis of message content.

The Examiner acknowledges that "Janik fails to disclose an electronic device, comprising a plurality of interfaces and a message classification process comprising analysis of messages and dynamic **configuration of messages** based on at least one of message content analysis, presentability, sender and confidentiality level" (**emphasis added**) and cites the Gibb patent publication. Applicants first note that the Examiner has incorrectly stated the claim language. The presently-pending claims do not recite configuration of messages.

Applicants further contend that the Gibbs patent publication does not provide the teachings which are missing from the Janik patent publication. The Gibbs patent publication teaches "Device Specific Pagination of Dynamically Rendered Data" wherein a content control system (102 of Fig. 1) which is independent of the sender and the recipient/user device intercepts content sent from a sender and modifies or configures the content (particularly the pagination of the multi-page documents) before relaying the modified content to the recipient device (paragraph [0024]). A content analyzer at the Gibbs content control system analyzes the content which has been sent from the sender to determine how the content must be configured for display at the recipient device that requested the content.

Content that cannot be handled by the recipient device is altered by the Gibbs content control system, using an abstraction layer provided by the content developer which specifies how content can be altered (paragraph [0026]).

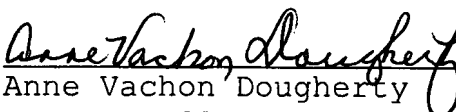
The Gibbs content control system with content analyzer system is not located at and is not part of a user electronic device, just as Janik's system control application is not part of a user device. Further, the Gibbs content control system does not determine to which of a plurality of output units a message should be routed. The message in Gibbs, as in Janik, will necessarily be routed to the recipient device that requested the content. Moreover, the Gibbs content control system modifies the message content based on the abstraction layer and the stored capabilities of a recipient. Gibbs does not teach or suggest selecting an output unit based on classification of message content and routing the unaltered message to the selected output unit.

For a determination of obviousness, the prior art must teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (*In re Wilson*, 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). If the cited references fail to teach each and every one of

the claim limitations, a *prima facie* case of obviousness has not been established by the Examiner. Neither Janik nor Gibbs teaches the claimed steps and means for a user electronic device to determine appropriate routing of messages for rendering to the user. Further, neither Janik nor Gibbs teaches determining at least one message rendering output unit for rendering a received (and unaltered) message based on dynamic message classification. Since neither Janik nor Gibbs provides the features as claimed, a *prima facie* case of obviousness has not been established.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendment, reconsideration of the rejections, and issuance of the claims.

Respectfully submitted,
Bourges-Waldegg

By: 
Anne Vachon Dougherty
Reg. No. 30,374
Tel. (914) 962-5910